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December 19, 2023

VIA ECF

The Hon. Gregory H. Woods  
United States District Judge  
United States District Court  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

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## MEMORANDUM ENDORSED

RE: *Gordon Surgical, P.C. v. Empire HealthChoice HMO, Inc.,*  
1:21-cv-04796-GHW-KHP

Dear Judge Woods:

We represent the Plaintiffs in this lawsuit. On December 6, 2023, Magistrate Judge Parker issued her Report and Recommendation in connection with Defendants' motion to dismiss (Dkt 85). Plaintiffs disagree with some of the conclusions in Magistrate Judge Parker's Report and Recommendation and intend to file Objections in accordance with Fed. R. Civ. 72. Those Objections, per Rule 72, must be filed by December 20, 2023.

Unfortunately, the undersigned, lead counsel for Plaintiffs, has been out sick for much of the last week. This, plus the press of other business, is requiring us, at what we acknowledge to be this late date, to respectfully request an enlargement of this deadline to file Objections to January 5, 2024. This is the first such request for enlargement of this deadline, and we have received the consent of Defendants' counsel.

Respectfully,

HARRIS BEACH PLLC



Roy W. Breitenbach

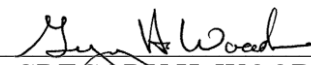
RWB:

cc: Valerie Sirota, Esq.  
Meaghan T. Feenan, Esq.

Application granted. Plaintiffs' deadline to file objections to the Report and Recommendation, Dkt. No. 85, is extended to January 5, 2024. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 86.

SO ORDERED.

Dated: December 19, 2023  
New York, New York

  
GREGORY H. WOODS  
United States District Judge